

**Regional Consultation between
Indigenous Peoples and Forest-
Dependent Communities from
Africa and the UN-REDD
Programme:
Free, Prior and Informed
Consent Processes and Recourse
Mechanisms**

Arusha, Tanzania
24 – 27 January 2011

NATURAL JUSTICE

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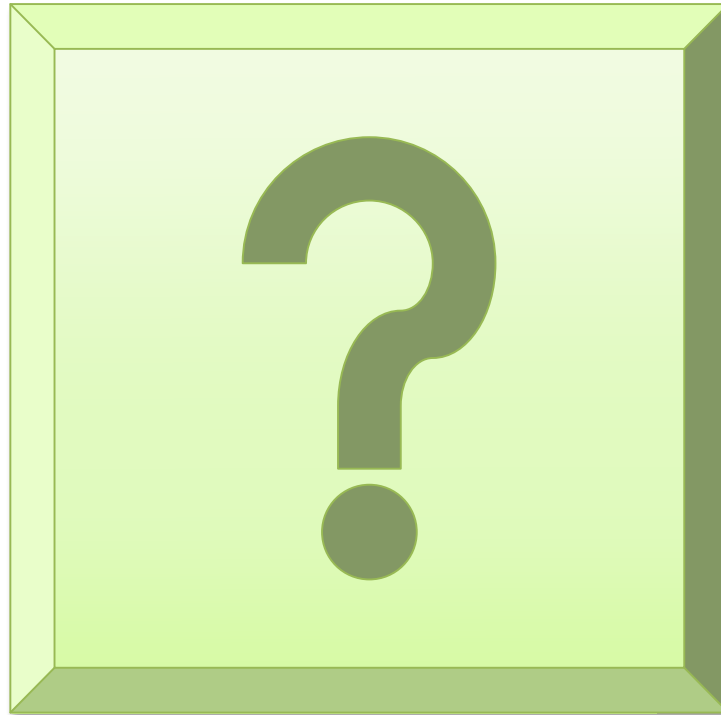
Lawyers for Communities and the Environment

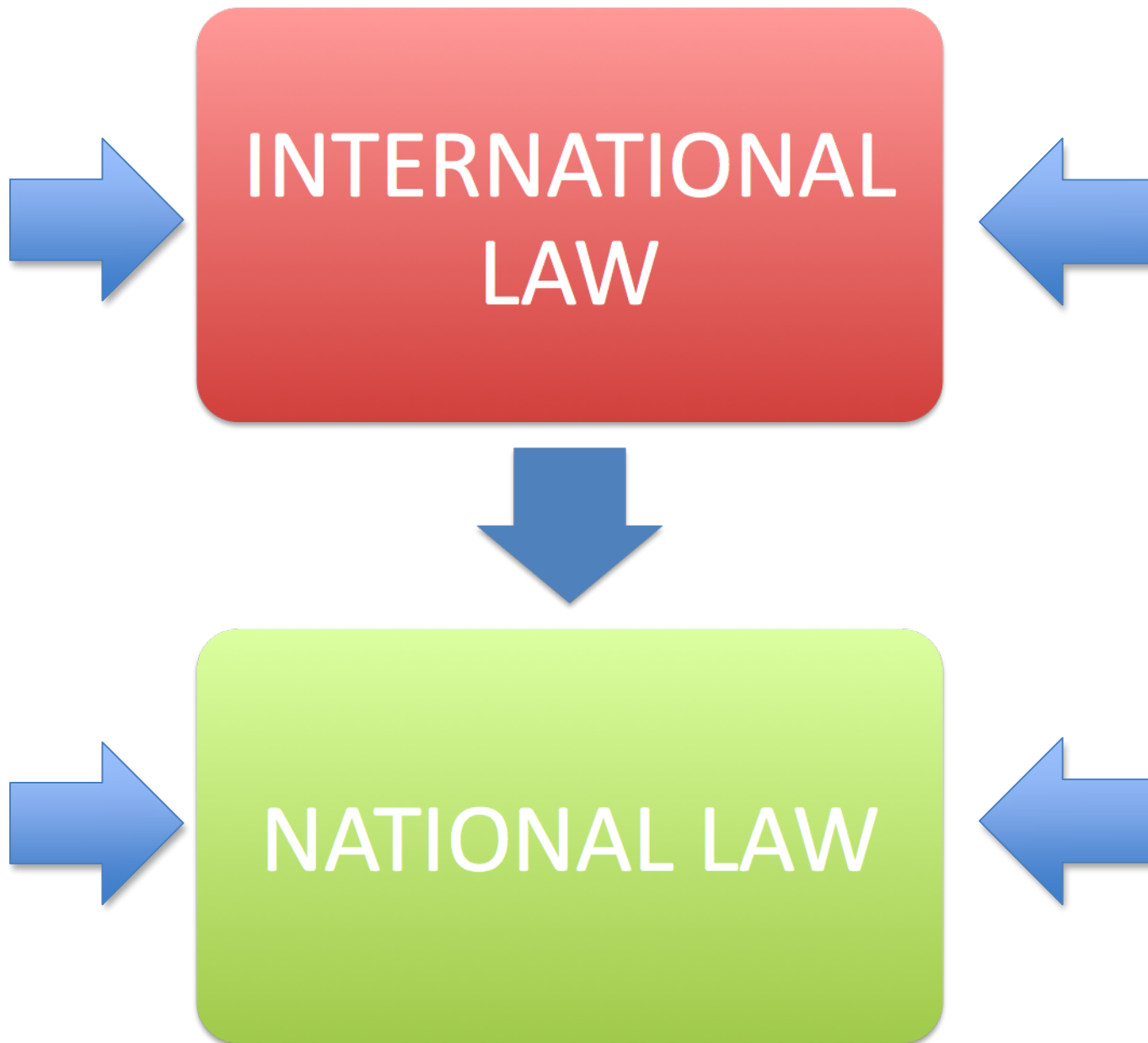
www.naturaljustice.org

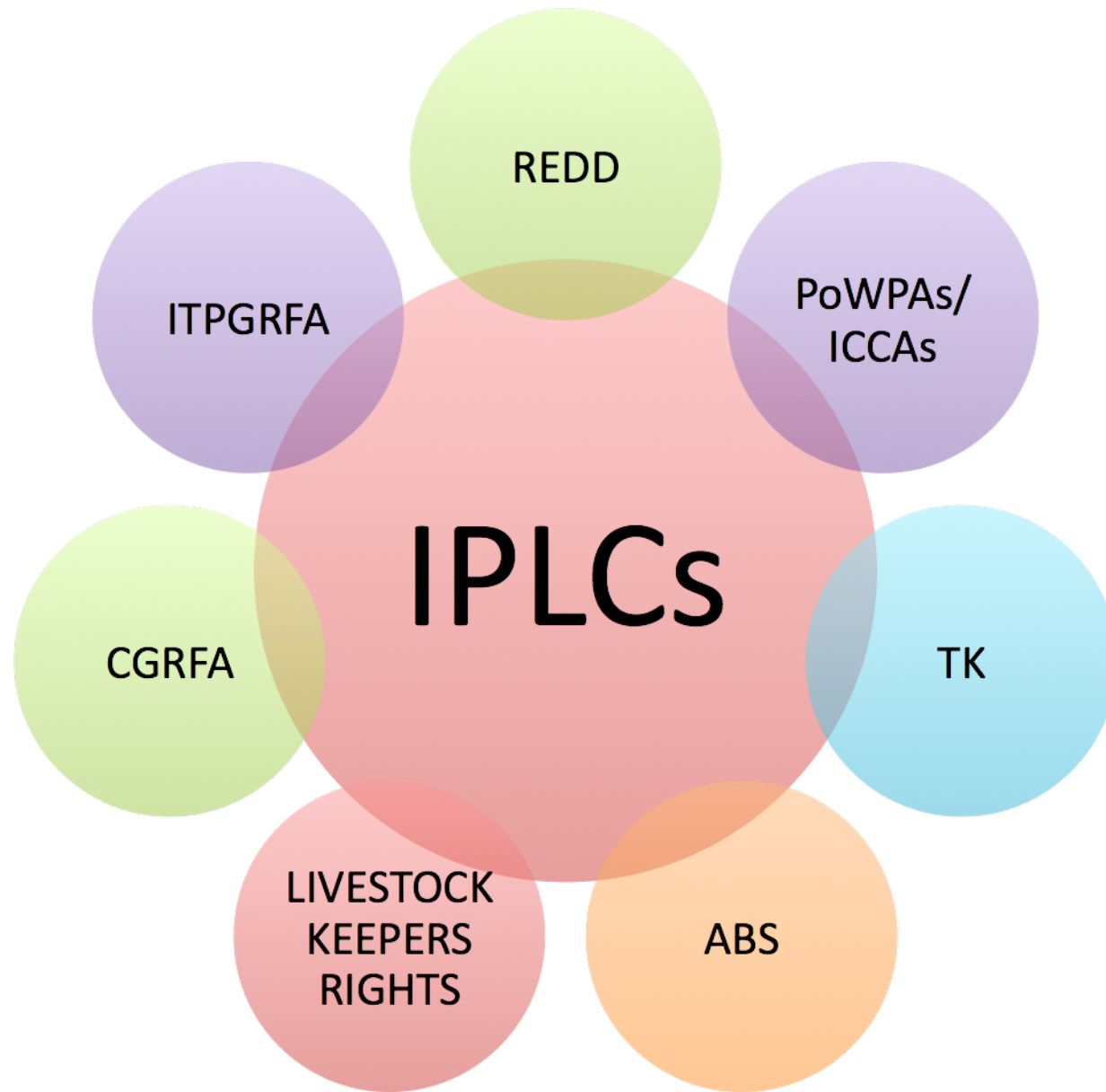


FPIC IN AFRICA

HOW WILL IPLCs INTERACT WITH REDD?







AICHI-NAGOYA PROTOCOL ON ACCESS AND BENEFIT SHARING

ARTICLE 9

1. In implementing their obligations under this Protocol, Parties shall in accordance with domestic law take into consideration indigenous and local **communities' customary laws, community protocols and procedures**, as applicable, with respect to traditional knowledge associated with genetic resources.

3. Parties shall endeavour to support, as appropriate, the development by indigenous and local communities, including women within these communities, of:
 - (a) **Community protocols** in relation to access to traditional knowledge associated with genetic resources and the fair and equitable sharing of benefits arising out of the utilization of such knowledge;

RIGHTS BASED APPROACHES TO REDD

- FPIC – what is this right seeking to protect?

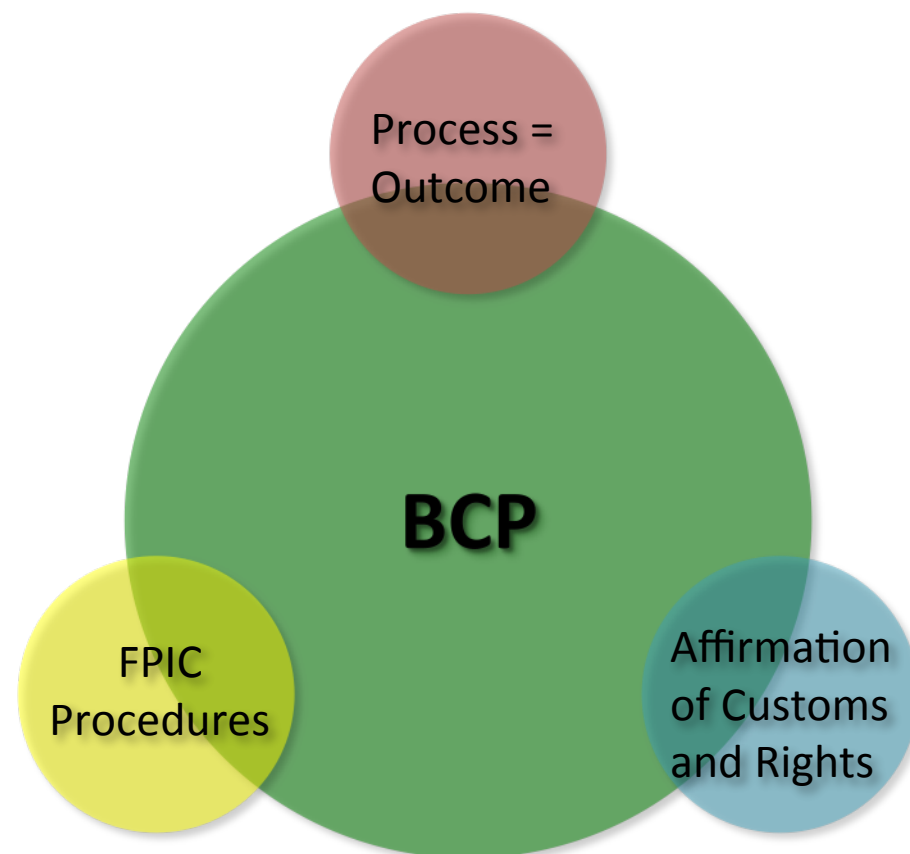






BIOCULTURAL COMMUNITY PROTOCOLS

- A process of affirming lifestyle, customs and rights
- A process of reflection within and between communities about the implications of a REDD project
- Providing a clear mandate to the leadership



Elements of a BCP

A BCP is a community led dialogue that seeks to effectively engage external stakeholders to secure the community's wellbeing



BCPs and REDD

- who the community is;
- the extent of their territories and details of their resources;
- details of their traditional leadership and decision making structures; (bottom up)
- how their knowledge, innovations and practices have conserved the biodiversity in their territories;
- the inter-linkages between their culture, spirituality, customary laws, traditional knowledge, and biodiversity;
- the factors upon which their ways of life depend;
- their challenges; and
- their plans for culturally-sensitive endogenous development.

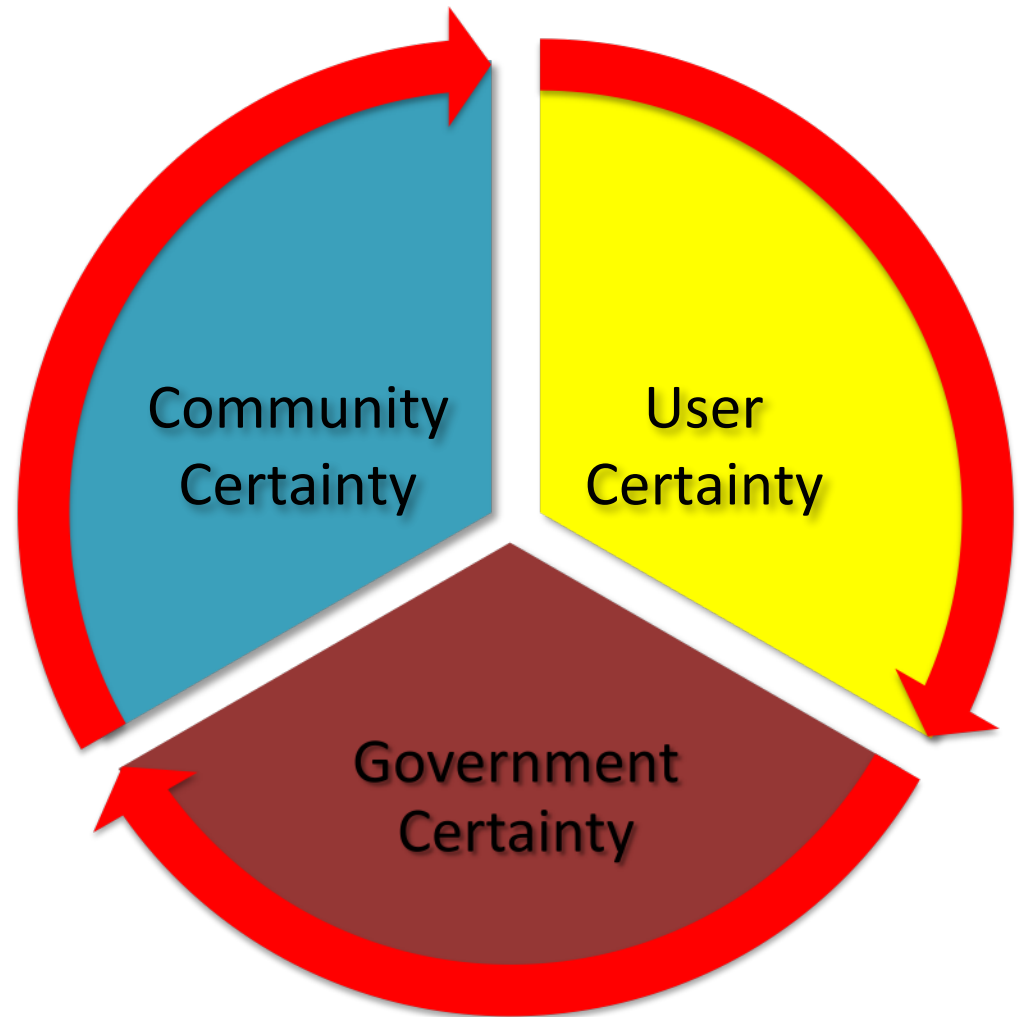
BCPs and REDD

Based on this information, communities then draw on the law to assert the following:

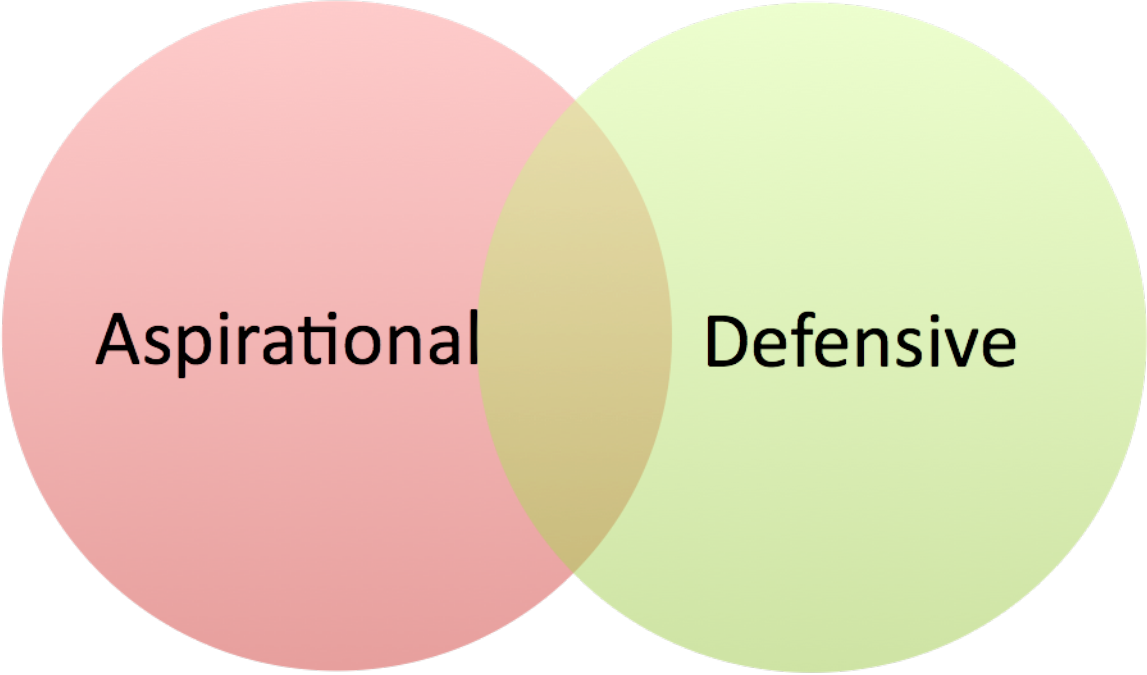
- their rights under international and national laws; and
- specific rights that other stakeholders are required to respect, including their customary use of biodiversity (forests) and
- the application of the principle of free, prior and informed consent (FPIC) to any intended use of their natural (this is how we want to be consulted)
- Duties to protect their eco-system

Outcomes: Certainty for Stakeholders

- Consultative process within the community
- Clarity of access procedures for potential users
- Clarity for government decision makers about community laws



Triggers for a BCP



What is a community for the purposes of a BCP?



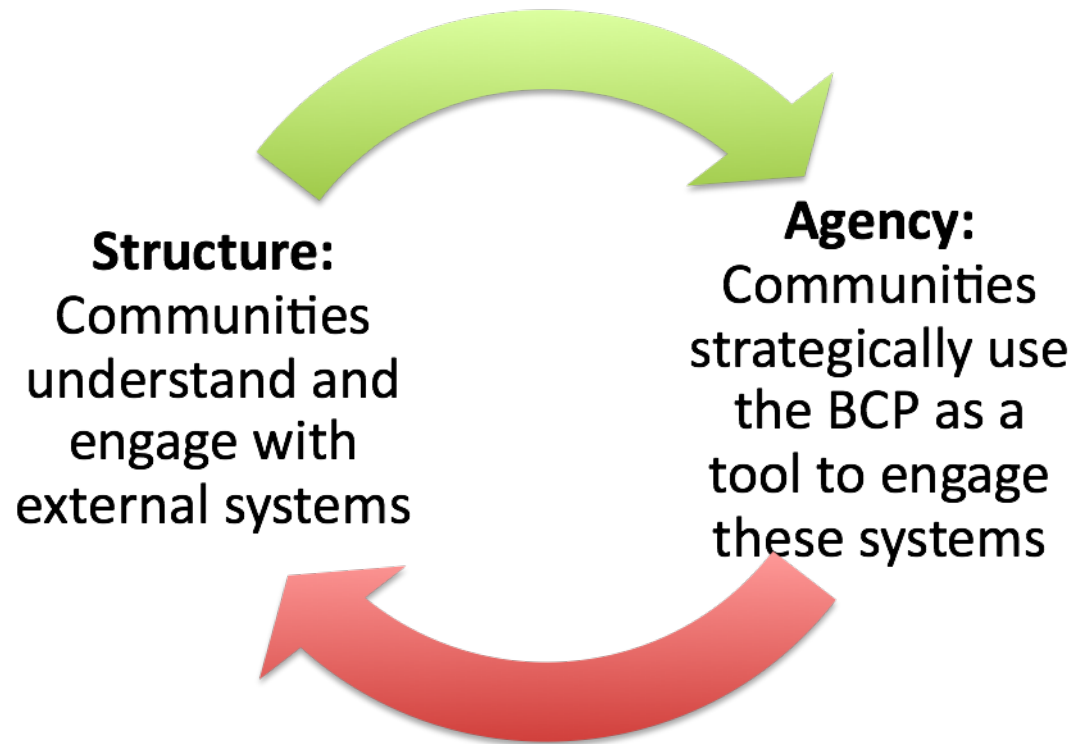
Communities of Lamu, Kenya



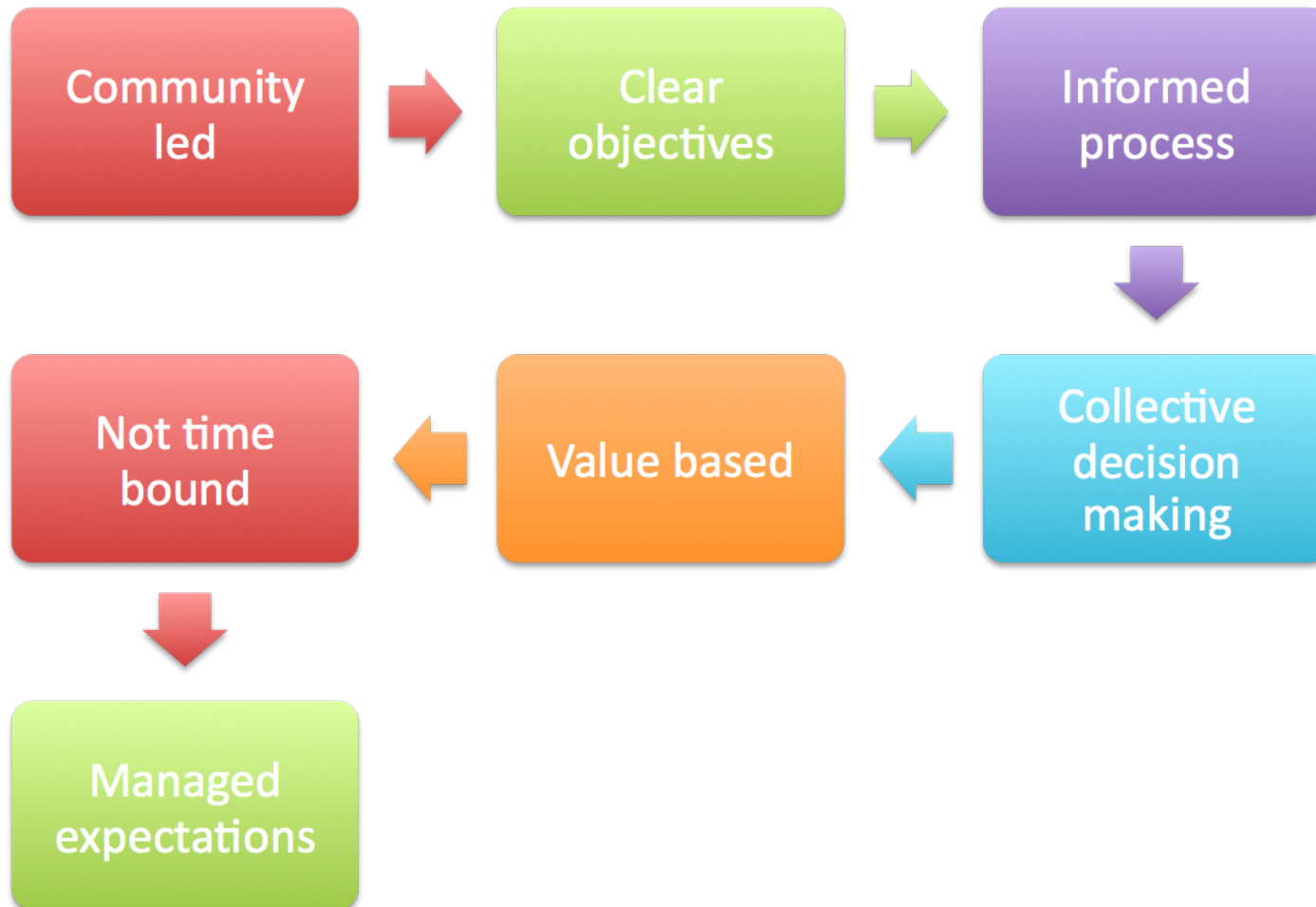


BCP: Tool of interface

BCPs are community developed tools that are rooted in an understanding of the external systems that impact them and strategically deployed to engage these systems to secure community wellbeing



BCP: What is good process?



Traditional Healers of Bushbuckridge



Samburu of Kenya



2009

Raika
Bio-Cultural Protocol



Thank You

Gino Cocchiaro

**Natural Justice – Lawyers for
Communities and the
Environment**

